

Planning Committee Report Item D	24th February 2016
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Shane Mathers
Cost: (If applicable)	N/a

ITEM D

**Former Campus (Portrush
Catering College) University
Ulster lands at Ballywillan Road
Portrush Co. Antrim BT56 8JL.**

C/2014/0435/O

Outline Planning

24th February 2016

<u>No:</u>	C/2014/0435/O	<u>Ward:</u>	Royal Portrush
<u>App Type:</u>	Outline Planning		
<u>Address:</u>	Former Campus (Portrush Catering College) University Ulster lands at Ballywillan Road Portrush Co. Antrim BT56 8JL		
<u>Proposal:</u>	Proposed housing development		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	1st November 2014
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Applicant:	University Ulster Coleraine		
Agent:	R Robinson and Sons, Albany Villas, 59 High Street, Ballymoney BT53 6BG		
Objections:	2	Petitions of Objection:	0
Support:	0	Petitions of Support:	0

Drawings and other information are available to view on the Planning Portal- www.planningni.gov.uk

1 RECOMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is roadside, located on the eastern side of Ballywillan Road. The site comprises the curtilage of the former catering college of the University of Ulster. The site is currently vacant and relatively flat, with a vehicular access onto the Ballywillan Road at its northern corner. A post and wire fence / belt of

trees run along the Ballywillan Road boundary; a post and wire fence / wall to the north-west boundary; a post and wire fence / belt of trees to the southern boundary; and high post and wire fence and a few trees along the rear boundary. The Tar Burn runs along the rear boundary. A clump of trees is located in the northern corner of the site. The area of the site is approx. 3.8 ha.

- 2.2 The area is predominately residential but abuts the Golf Links Hotel and complex along the eastern boundary.
- 2.3 The site is located within the settlement limit of Portrush as defined in the Northern Area Plan 2016. There are no zonings or designations on the site.

3 RELEVANT HISTORY

C/2007/1028/O - University of Ulster, Ballywillan Road, Portrush. Proposed housing development. Granted 11.12.2008

C/2011/0433/O - Former Campus (Portrush Catering College) University of Ulster, Ballywillan Road, Portrush. Renewal of existing permission for proposed housing development
C/2007/1028/O. Granted 23.11.2011

4 THE APPLICATION

- 4.1 Planning permission is sought for a residential housing development.
- 4.2 On 7th January 2016 the potential impact of this proposal on SPA's, SAC's and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of the Council. Having considered this, the proposal would not be likely to have a significant effect on the selection features, conservation objectives or status of any European site.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are 2 objections to the proposal from 2 objectors.

The reasons for objecting are summarised below:

- Neighbour notification letter not received
- Impact on privacy
- Type and height of the boundary treatment
- Impact of proposed planting on boundaries
- Change in details, relative to the previous approval

Internal

- 5.2 **Transport NI:** Has no objection to the proposal.

Rivers Agency: Has no objection to the proposal in regards to FLD 3, but states the application lacks closure on PPS 15 FLD 5.

NIEA Marine Environment Division: Has no objection to the proposal.

NI Water: Has no objection to the proposal.

Environmental Health: Has no objection to the proposal.

MATERIAL CONSIDERATIONS

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

- 6.2 The development plan is:

- Northern Area Plan 2016

- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

PPS 8: Open Space, Sport and Outdoor Recreation

Planning Policy Statement 12: Housing in Settlements

Planning Policy Statement 15: Planning and Flood Risk

DCAN 8 - Housing in Existing Urban Areas

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: the renewal of previous permission; the proposed design and layout; PPS 15 Planning and Flood Risk and; other matters.

Planning Policy

- 8.2 The site is located within the settlement limit of Portrush as defined in the Northern Area Plan.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

Renewal of previous permission

- 8.4 This application was made valid on 1st November 2014 and is a renewal of outline planning permission C/2011/0433/O which was approved on 23rd November 2011. The documents and drawings submitted in this application are similar to those submitted in 2011.
- 8.5 The red line of the site is identical to the 2 previous approvals. The key changes are that the proposed access/entrance to the housing scheme is now relocated 20 metres (previously 10metres) to the south east of the existing access; still on Ballywillan Road, and a feature roundabout within the proposed scheme is no longer included. The concept of a 'loop' road with housing fronting onto this, is in essence, the same.
- 8.6 Since the previous application was granted, the Northern Area Plan (NAP) has now been adopted and the proposal must have regard for this. The adoption of the NAP has not changed the policy context or land use of this land from either the North East Area Plan or the draft NAP.
- 8.7 The Strategic Planning Policy Statement (SPPS) has also been published. The SPPS continues to support increasing housing densities in urban areas, without town cramming, promoting the development of developed and undeveloped land within the

urban footprint first. This is a previously developed site within the urban footprint.

- 8.8 PPS 15 Planning and Flood Risk was revised in September 2014 and is relevant to this application. This change in policy, and its impact on the proposal, is considered in detail in paragraph 8.14.
- 8.9 The previous permission is a material consideration in the determination of this application. Notwithstanding the policy updates and changes set out in Paras. 8.6, 8.7, & 8.8, the previous permission should be considered.

Proposed design and layout

- 8.10 This proposal is for outline permission only. The applicant seeks to establish the principle of developing housing on this site without submitting full details of floor plans/elevations etc. That said, a certain amount of information is required to enable adequate assessment of the proposal.
- 8.11 The site was previously Portrush Catering College which closed in 2008 before staff, students and courses were moved to campuses in Coleraine and Belfast. It still forms part of the University Ulster's estate. The building has been demolished and the land is now a brownfield site. The site sits within a predominately residential area situated on the Ballywillan Road, and abuts dwellings on Randal Park and Ballywillin Park, with the Golf Links Hotel complex to the rear. This proposal seeks to develop the site for housing. The concept indicates a density of 24-30 units per hectare, which equates to @ 91 dwellings (lower density) to 114 dwellings (higher density). The concept states there will be a mix of housing types, including detached houses fronting Ballywillan Road, and an increase in density further into the site with a mix of semi-detached and terraced townhouse units.
- 8.12 A concept plan has been submitted showing that the dwellings will respect the building line along Ballywillan Road, developing detached houses served by individual accesses which will match the character and density of the dwelling configuration on the opposite side of the road. The layout provides an indication of a road layout, with dwellings fronting on to this and back

gardens towards existing residential properties. Areas of open space and additional planting have also been shown. It is proposed to introduce two focal buildings within the development; one to the north east corner, and one to the south east. The reason given is to help legibility and orientation within the site and to help define character to the site.

8.13 Policy PPS 7 Quality Residential Environments provides significant policy guidance in relation to housing proposals. Policy QD1 expects all proposals for residential development to conform with the following criteria:

- *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*

When considering the policy context of PPS7 and the addendum to PPS 7, along with DCAN 8 and PPS12, this proposal is acceptable, in that the development respects the surrounding context and would not result in unacceptable damage to local character, environmental quality or residential amenity. A density of 24 dwellings per hectare is low, and a density of @30 per hectare will allow for sufficient amenity space to be provided for the proposed dwellings.

However, this is an outline application which seeks the principle of the development and the issues of site layout, detailed design, massing, height and landscaping can be conditioned and dealt with at Reserved Matters stage. When a reserved matters application is submitted, contextual elevations can help illustrate that the character of the existing streetscape is respected.

- *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*

There will be no impact on any archaeological or built heritage features as a result of this proposal. The concept

indicates that existing boundaries and buffers will be reinforced.

- *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*

Given this site area is over 1 hectare, PPS 8 states that on sites of one hectare or more, public open space must be provided as an integral part of the development. A normal expectation will be at least 10% of the total site area is provided as open space. For residential development of 100 units or more, which may apply in this case, an equipped children's play area will also be required as an integral part of the development. An exception may be applied where an equipped children's play area exists around 400 metres away, however, the nearest play park is located in front of the Dunluce centre approx. 700- 800 metres away.

The concept indicates that there will be planted areas along the site boundaries. However, a landscape plan will be required as set out above.

- *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*

No need for local neighbourhood facilities to be provided in conjunction with a proposal in this locations has been identified, in consultation with relevant bodies, as part of the development plan process.

- *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*

As roads are public space, they are therefore an important element in the design of a development. All roads should be planned and designed to contribute to the overall quality of

the development. Further advice and guidance is provided within Creating Places and this matter will be dealt with through the reserved matters application.

- *adequate and appropriate provision is made for parking;*

Parking standards for such a proposal are set out in Creating Places and the Parking Standards guidance. This will depend on the number and type of dwellings proposed.

- *the design of the development draws upon the best local traditions of form, materials and detailing;*

These are detailed design matters which will be required at Reserved Matters stage.

- *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and*

In principle, the use of this site as residential is acceptable and will not create conflict with adjacent land uses. The specific design and layout will be submitted at Reserved Matters. Any design and layout will need to ensure there is no unacceptable impact on existing properties, for example the impact on neighbours privacy or amenity from upper floor windows, or the proximity of new dwellings on existing properties.

- *the development is designed to deter crime and promote personal safety.*

Further guidance on this matter is set out in PPS 7. The proposal sits within an existing residential context. Any layout will be required to meet these requirements such as having the primary entrance to the fronts of the units, facing onto the road.

PPS 15 – Planning and Flood Risk

8.14 Under FLD 3 of PPS 15 Drainage assessments will be required to accompany development proposals where a development

comprises of 10 new dwelling houses or more. As this proposal is for more than 10 residential units, a Drainage Assessment was requested and Rivers Agency, as the competent authority, was consulted. Rivers Agency has no objection to the drainage assessment and is satisfied in this regard.

- 8.15 However, in consulting Rivers Agency, a matter relating to Policy FLD 5 of PPS 15, Development in Proximity to Reservoirs was raised by it. The purpose of FLD 5 is to ensure that no new development will be permitted within the potential flood inundation area of a “controlled reservoir” unless specific tests are met. The policy amplifies this definition by stating that this policy applies to Reservoirs, Dams and other impounding structures as defined by the forthcoming Reservoirs legislation. It is further quantified as relating to reservoirs with an individual or combined capacity greater than 10,000 cubic metres above the natural level of any part of the surrounding land. The structure in question is a former reservoir that is located on Corbally Road, Portrush, about a mile from the site.
- 8.16 The threshold to comply with the tests of this policy is challenging. The matter of lying within a flood inundation zone came to the Council’s attention through consultation with Rivers Agency on the drainage assessment. The first part of the policy states that new development will only be permitted within the potential flood inundation area of a “controlled reservoir” as shown on the Strategic Flood Map. There is currently no Strategic Flood Map that identifies this area. It is therefore not possible for the applicant to consider the impact of their proposal and make a flood risk assessment on the flood inundation area as this information is not in the public domain. Rivers Agency is the only authority with access to this information and this has not been provided as Rivers Agency has advised that these maps are designed for emergency planning and not land use planning. It is therefore unreasonable to make such a request.
- 8.17 The agent has provided a letter from Northern Ireland Water who confirm that this reservoir is inspected and maintained by it in accordance with the Reservoirs Act 1975. As NIW is a public body with this responsibility, it may go some way to give assurances that the condition, management and maintenance regime of the reservoir is appropriate to provide sufficient

assurance regarding reservoir safety, so as to enable the development to proceed, as required by FLD 5. Notwithstanding this, information on the inundation area is not within the public domain.

8.18 The Policy then goes on to require the following:

- an assessment of the downstream flood risk in the event of:
 - a controlled release of water
 - an uncontrolled release of water due to reservoir failure
 - a change in flow paths as a result of the proposed development and;
- that there are suitable measures to manage and mitigate the identified flood risk, including details of emergency evacuation procedures

As the Strategic Flood Map does not contain the necessary information needed to carry out an adequate Flood Risk Assessment, this information has not been sought from the applicant. Furthermore, it would appear unreasonable to task the applicant with the responsibility of managing and mitigating the flood risk, including detailing emergency evacuation procedures as the exact details and nature of the flood risk are unknown, and the reservoir is over 1 mile away from the site, with areas of existing residential development between the site and reservoir. In any case, the reservoir is maintained by Northern Ireland Water.

8.19 Given there is not the up to date and relevant information in the public domain in which to reasonably apply this policy; that the reservoir is over 1 mile from the site; that it is not within the applicant's ownership or control; that the site is inspected and maintained by Northern Ireland Water; that the site is within the settlement limit of Portrush where the principle of development is acceptable; that there was a previous approval on the site and; there is substantial areas of existing residential housing between the site and the reservoir, Policy FLD 5 has been given due consideration but requires no further work on the applicant's behalf.

Other Matters

- 8.20 An objector raised a matter of not receiving a “Neighbour Notification”. There is an onus on the applicant to supply all addresses of those neighbours who are to be consulted. Officials can only determine which neighbours must be notified once a site inspection has been carried out. When the case officer carried out their inspection, this neighbour was then formally notified. As this neighbour has been afforded the opportunity to make representation on this application, no prejudice has been caused.
- 8.21 Other matters raised including, impact on privacy, type and height of the boundary treatment, and impact of proposed planting on boundaries are all matters of detail that will be dealt with at reserved matters stage. Representations will be sought at that time.
- 8.22 A final matter raised was a change in details, relative to the previous approval. This is only an outline application seeking the principle of housing on this land. The changes are not significant as to alter the concept of the proposal and any detailed matters will be considered when a reserved matters application is submitted.

9 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The principle of developing this land for housing is acceptable, in accordance with PPS 7 and supporting guidance with other more detailed matters being reserved for a Reserved Matter application. The issue of flood inundation has been explored having regard to the specific circumstances of this case. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. As required by Section 62 the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Planning Authority within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission;
or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Planning Authority, in writing, before any development is commenced.

Reason: To enable the Planning Authority to consider in detail the proposed development of the site.

3. The development hereby approved shall be designed in accordance with the provisions of Planning Policy Statement 7 (PPS 7) - Quality Residential Environments and shall generally accord with the provisions of the proposed site concept, Drawing No 02 (Rev 02) date stamped 19th February 2015.

Reason: To ensure a quality residential development

4. The buildings hereby permitted shall be no greater than 2 storey.

Reason: To ensure that the proposal is in keeping with the character of the area.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling(s) in relation to existing and proposed ground levels has been submitted to and approved by the Planning Authority.

Reason: To ensure resident's privacy is not adversely affected.

6. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45metres at any point.

Reason: In the interest of visual amenity.

7. No development shall take place until full details of all hard and soft landscaping including boundary treatments and proposed tree and shrub planting and a programme of works, have been approved by the Planning Authority, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

8. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

9. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The development shall be in accordance with the requirements of the Department's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, the Department shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Street (Northern Ireland) Order 1980.

10. The visibility splays of 4.5metres x 90metres at the junction of the proposed access road with the public road (Ballywillan Road), shall be provided in accordance with Drawing No. 01 bearing the date stamp 1st November 2014, prior to the commencement of any other works or other development.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

11. The development hereby permitted shall include provision of an area of 10% of the total site area within the application site for landscaped communal open space, which subject to the number of residential units exceeding 100, shall include an equipped children's play area, the details of which shall be submitted to and approved by the Planning Authority at reserved matters stage. Details of the management of the open space shall be provided at reserved matters stage.

Reason: To ensure the provision and maintenance of public open space to comply Policy OS 2 of PPS 8 Open Space, Sport and Outdoor Recreation.

Informatives

1. TransportNI would advise that on urban roads (subject to a 30 or 40mph speed limit) dwelling accesses should not, as far as possible, join a priority road within the first 2/3rds of the 'Y' distance. [see paragraph 7.1-7.2 and figure 4 of DCAN 15].

